

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

And Related Matters.

Application 11-05-018
Application 11-05-019
Application 11-05-020

**DECISION GRANTING COMPENSATION TO BRIGHTLINE DEFENSE
PROJECT FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-08-044**

Claimant: Brightline Defense Project	For contribution to D.12-08-044
Claimed (\$): \$52,602.50	Awarded (\$): \$39,380.75 (reduced by 25.14%)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Kimberly H. Kim

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Decision (D.) 12-08-044 approved approximately \$5 billion to continue two energy-related low income programs, the Energy Savings Assistance (ESA) and the California Alternate Rates for Energy (CARE) Programs for Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), and Southern California Gas Company (SoCalGas), for the 2012-2014 program cycle.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	Aug. 8, 2011	Two PHCs were held on August 8 and September 6, 2011.
2. Other Specified Date for NOI:	Sept. 7, 2011	Incorrect. (See Part I.C. below.)
3. Date NOI Filed:	Sept. 7, 2011	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	Application (A.) 11-05-017	Verified
6. Date of ALJ ruling:	Oct. 27, 2011	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.11-05-017	Verified
10. Date of ALJ ruling:	Oct. 27, 2011	Verified
11. Based on another CPUC determination (specify):	n/a	
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-08-044	Verified
14. Date of Issuance of Final Order or Decision:	Aug. 30, 2012	Verified
15. File date of compensation request:	Oct. 19, 2012	Incorrect in part. See Part I.C. Below
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
	X	Verified	Brightline filed for a determination of significant financial hardship in its NOI for this proceeding, and ALJ Kim's ruling finding significant financial hardship was issued on Oct. 27, 2011.
2 4		X	Two PHCs were held, the first on August 8, 2011, and the second on September 6, 2011. Under PUC § 1804(a)(1) NOIs must be filed within 30 days after a prehearing conference. This deadline was October 6, 2011. Brightline Defense Project's NOI was timely on September 7, 2011.
15		X	Brightline Defense Project filed its original intervenor compensation claim on October 19, 2012. Brightline Defense Project filed an amended intervenor compensation claim on December 10, 2012. The filing date of the amended claim has been used to calculate the payment of interest, after the 75 th day of filing, for this intervenor compensation award.

PART II: SUBSTANTIAL CONTRIBUTION**A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. WE&T-related benefits</p> <p>Green for All (G4A) and Brightline argued for incorporating WE&T goals for disadvantaged workers and future quality workforce standards.</p> <p>G4A and Brightline argued for the IOUs to refine partnerships with community colleges and community-based organizations to offer sector-based training and transferrable credentials.</p> <p>Brightline and G4A also support all recommendations to track data related to how workers are paid,</p>	<p>Written Testimony of Intervenors Green for All and Brightline Defense Project (11/18/11), at 3-4, 4-7, 19.</p> <p>D.12-08-044, at 178, 180-181; FOF 92, 95, 96, 97.</p> <p>Written Testimony of Intervenors Green for All and Brightline Defense Project (11/18/11), at 12-14.</p> <p>D.12-08-044, at 180; COL 91.</p> <p>Written Testimony of</p>	<p>Verified, but partial disallowance for non-substantial contribution and duplication. (See Part III.C below.)</p>

<p>what wages workers are paid, what benefits workers are offered, where workers are recruited from (e.g. low income status or targeted communities), and how many workers are hired from training programs.</p> <p>In response to the December 2011 Ruling, Brightline and G4A suggest that they do not feel the IOUs' Sector Strategy Action Plans identified in their 2010-2012 Statewide WE&T Program Modifications Advice Letters meet the WE&T needs outlined in the Strategic Plan for two reasons, namely: 1) few details are given about the ESA Program WE&T improvements in the letters, and 2) while the IOUs describe a sector strategy to meet many of the training goals called for in the Strategic Plan, they fail to plan for transition into "rewarding careers in energy services."</p> <p>Brightline and G4A argued for improved high-road labor standards and supported DRA's recommendation that the Commission require the IOUs to develop more explicit labor standards such as wage floors in order to ensure that the success of the ESA Program in recruiting workers from low income and disadvantaged communities.</p> <p>Brightline and G4A also argued for specific WE&T hiring goals and data practices to guide the WE&T Working Group.</p>	<p>Intervenors Green for All and Brightline Defense Project (11/18/11), at 14-17; Reply Brief of Green for All and Brightline Defense Project (2/16/12), at 8; Brightline Defense Project and Green For All's Reply to Opening Comments on the Proposed Decision (5/30/12), at 2-3. D.12-08-044, at 177-178, 181-183; COL 88, 92, 93.</p> <p>Written Testimony of Intervenors Green for All and Brightline Defense Project (11/18/11), at 11-12; Response of Intervenors Green for All and Brightline Defense Project to ALJ Kim's First Set of Questions, (1/13/12), at 2-7; Reply Brief of Green for All and Brightline Defense Project (2/16/12), pp. 4-5. D.12-08-044, at 183-184; FOF 89.</p> <p>Written Testimony of Intervenors Green for All and Brightline Defense Project (11/18/11), at 9-12; Reply Testimony of Brightline Defense Project (12/9/11), at 2; Reply Brief of Green for All and Brightline Defense Project (2/16/12), at 3-4, 6-7. D.12-08-044, at 180-181;</p>	
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In their reply testimony, Brightline also proposes its own \$100,000 WE&T pilot proposal in conjunction with the San Francisco Office of Economic and Workforce Development. This Brightline pilot proposal would train 25 low-income residents for entry-level positions as Weatherization Specialists and Energy Specialists.	COL 89, 90. Brightline Defense Project and Green For All's Reply to Opening Comments on the Proposed Decision (5/30/12), pp. 2-5. D.12-08-044, at 181-183; COL 96. Reply Testimony of Brightline Defense Project (12/9/11), at 4-12 D.12-08-044, at 184-185, fn. 106.	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: Natural Resources Defense Council, American Insulation Inc., Southern California Gas Company/San Diego Gas & Electric Company, Southern California Edison Company, Niagara Conservation Corporation, National Asian American Coalition, The Utility Reform Network, Pacific Gas and Electric Company, Opower Inc., Synergy Companies, Green for All, The Greenlining Institute, The East Los Angeles Community Union (TELACU), The Maravilla Foundation, The Association of California Community and Energy Services (ACCES), The Energy Efficiency Council, National Consumer Law Center, Latino		Yes

¹ The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

Business Chamber of Greater L.A., Utility Workers Union of America Local 132, Proteus, National Housing Law Project, California Housing Partnership Corp., California Large Energy Consumer Association, San Francisco Community Power, Black Economic Council, Center for Accessible Technology, Joint Committee on Energy and Environmental Policy, La Cooperativa Campesina de California	
<p>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>All active parties on WE&T issues, including Brightline, Greenlining Institute, and Green for All, have coordinated efforts throughout the proceeding. In preparation for numerous filings, the parties have communicated to not be duplicative in their advocacy for changes to WE&T aspects of ESAP. In this proceeding, Brightline and Green for All filed jointly when their positions were alike, but separately when each party wanted to articulate additional issues that drew upon its unique experience.</p>	<p>Verified, but partial disallowance for unnecessary duplication of other parties' participation. (See Part III.C below.)</p>

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
II(A)	X	Verified, but partial disallowance for non-substantial contribution and duplication. (See Part III.C below.)	While Brightline's initial pilot proposal was rejected, Brightline submits that it has made a substantial contribution to the record in ALJ Kim's directive to encourage parties to incorporate lessons from the 2009-2011 ESA Program WE&T Pilot. Moreover, in accordance to direction provided in Footnote 106 of D.12-08-044, Brightline has now sought to build a multi-stakeholder team to work with the IOUs on WE&T incorporating these lessons and address the identified shortfall in jobs.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. How the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation</p> <p>Brightline's cost of participation were very low for the scale of the proceeding, coming under \$53,000. In contrast, ratepayers increase in ESA Program delivery (proper enrollments, assessments, installations, etc.) and the increase in quality of the ESA workforce, as noted in</p>	<p>CPUC Verified</p> <p>Verified</p>
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Finding of Fact (FOF) 97. Coupled with the potential increase in quality jobs for low-income ratepayers, Brightline's cost of participation was reasonable in relation to public purpose benefits realized from improved WE&T goals set in D.12-08-044.									
<p>b. Reasonableness of Hours Claimed.</p> <p>Brightline's hours are reasonable, in part because of its efforts to coordinate with other parties, which avoided duplication. Brightline's hours are approximate to the hours anticipated in its NOI.</p> <p>It should be noted that in some instances, Mr. Ahn spent more time on certain activities, including draft filings, than perhaps a more experienced attorney would have. While Mr. Arce has participated in a prior proceeding in giving testimony, this was Mr. Ahn's first proceeding as counsel. While that relative inexperience may have resulted in more time spent on some tasks, that inexperience is also reflected in the low rate for his time. Consequently, Mr. Ahn's hours and rate are reasonable.</p>	Verified, but partial disallowance for non-substantial contribution and duplication. (See Part III.C below.)								
<p>c. Allocation of Hours by Issue</p> <p>Brightline's time is allocated by issue category as follows:</p> <table border="1" data-bbox="240 1045 1107 1186"> <tr> <td>A. WE&T Costs and Benefits</td><td>72.64%</td></tr> <tr> <td>B. CARE</td><td>1.07%</td></tr> <tr> <td>C. General</td><td>26.29%</td></tr> <tr> <td>Total</td><td>100.00%</td></tr> </table>	A. WE&T Costs and Benefits	72.64%	B. CARE	1.07%	C. General	26.29%	Total	100.00%	Verified
A. WE&T Costs and Benefits	72.64%								
B. CARE	1.07%								
C. General	26.29%								
Total	100.00%								

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hour s	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Eddie Ahn	2011	115.1	\$150	D.12-04-043 ²	\$17,265	85.01	\$150	\$12,751.50
Joshua Arce	2012 ³	75.6	\$275	D.12-04-043	\$20,790	55.57	\$275	\$15,281.75

² D.12-04-043 does not approve hourly rates for Brightline Defense Project. Rather, the decision provides guidance for setting reasonable hourly rates for all intervenors.

³ The year 2012 is listed twice for Joshua Arce's claimed time and the year 2011 is listed twice for Eddie Ahn's claimed time. Here the year 2011 has been applied for Joshua Arce to reflect the filed timesheets.

Eddie Ahn	2011 ⁴	43.8	\$150	D.12-04-043	\$6,570	32.85	\$155	\$5,091.75
Joshua Arce	2012	26.8	\$275	D.12-04-043	\$7,370	20.1	\$280	\$5,628
	Subtotal:				\$51,995	Subtotal:		\$38,753.00

INTERVENOR COMPENSATION CLAIM PREPARATION **

Item	Year	Hour s	Rate	Basis for Rate*	Total \$	Hour s	Rate	Total \$
Eddie Ahn	2012	8.1	\$75	D.12-04-043	\$607.50	8.1	\$77.50	\$627.75
	Subtotal:				\$607.50	Subtotal:		\$627.75
TOTAL REQUEST \$:					\$52,602.50	TOTAL AWARD \$:		\$39,380.75

* We remind all intervenors that Commission staff may audit its records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.

Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Eddie Ahn	May 25, 2010	269714	No
Joshua Arce	January 4, 2002	218563	No

C. CPUC Disallowances, Adjustments, and Comments:

#	Reason
Lack of substantial contribution	Brightline Defense Project claims a substantial contribution by advocating, together with Green for All, for (1) incorporating WE&T goals for disadvantaged workers and future quality workforce standards;

⁴ The year 2012 is listed twice for Joshua Arce's claimed time and the year 2011 is listed twice for Eddie Ahn's claimed time. Here the year 2012 has been applied for Eddie Ahn to reflect the filed timesheets.

⁵ This information may be obtained at: <http://www.calbar.ca.gov/>.

	<p>and (2) requiring IOUs to refine partnerships with community colleges and community- based organizations to offer sector-based training and transferable credentials. However, the Commission decided against the crux of these recommendations. We find there was no substantial contribution by Brightline Defense Project on these two issues.</p> <p>Brightline Defense Project did not report its time in a way that allows for a precise disallowance because all time was allocated to WE&T Costs and Benefits, General, and CARE. CARE and General are both very broad categories describing the entire proceeding and WE&T Costs and Benefits carries the rest of Brightline Defense Project's time. Based on our observations of Brightline Defense Project's participation, we find that 25% of Brightline's total claimed hours, excluding hours for workshop preparation, NOI preparation, and claim preparation, should be disallowed for-non substantial contribution.</p>
Duplication	<p>Brightline Defense Project claims a substantial contribution for its support of other parties' recommendations to track data related to workers pay, benefits, recruitment, hiring from training programs and how workers are paid. We find that Brightline Defense Project's effort on this matter duplicated the participation of other parties without concurrently complementing, supplementing or contributing to the work of other parties to a material degree.</p> <p>Brightline Defense Project claims a substantial contribution in support of ORA's recommendation that the Commission require the IOUs to develop more explicit labor standards to ensure the success of the ESA program recruiting workers from low income and disadvantaged communities. Brightline Defense Project's effort on this matter duplicated the participation of other parties without concurrently complementing, supplementing, or contributing to the work of other parties to a material degree.</p> <p>Brightline Defense Project did not report its time in a way that allows for a precise disallowance for duplication. Based on our observation of Brightline Defense Project's participation we find that 25% of Brightline Defense Project's total claimed hours, should be disallowed for unnecessary duplication of other parties' participation.</p>
Claimed Rates to Prepare NOI in 2011	<p>Brightline Defense Project claims 3.5 hours of Ahn's time in 2011 and 3 hours of Arce's time in 2011 to prepare Brightline Defense Project's Notice of Intent to claim intervenor compensation. The Commission typically limits the hourly rate to prepare an NOI to half of the approved professional hourly rate. To achieve this result, half of the claimed hours to prepare the NOI are allowed. The disallowance equates to a 1.75 hour reduction for Ahn in 2011 and 1.5 hour reduction for Arce in 2011.</p>
Adoption of	<p>Brightline Defense Project requests an hourly rate of \$150 in 2011 and</p>

<p>Hourly Rate for Eddie Ahn</p> <p>2011 & 2012</p>	<p>2012 for the work performed by Eddie Ahn. The Commission has not previously set an hourly rate for Ahn and this is Ahn's first appearance before the Commission. Ahn is currently policy counsel for Brightline Defense Project and prior to this appearance before the Commission he focused on workforce development issues and implementation of San Francisco's local hiring policy for construction. Ahn has been an attorney licensed by the California Bar since 2010. During this proceeding Ahn was in the 0-2 year attorney experience range and the 3-4 year attorney experience range pursuant to Resolution ALJ -281.</p> <p>We approve the requested hourly rate of \$150 for Ahn's 2011 work. We apply the 2.2% Cost of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$155 for Ahn's 2012 work.</p>
<p>Adoption of Hourly Rate for Joshua Arce</p> <p>2011 & 2012</p>	<p>Brightline Defense Project requests an hourly of \$275 in 2011 and 2012 for work performed by Joshua Arce. The Commission has not previously set an hourly rate for Arce and this is Arce's first appearance before the Commission. Arce is currently the executive director for Brightline Defense Project and prior to this appearance before the Commission he had ten years of civil litigation experience, as well as experience convening community, labor and government stakeholders. Arce has been an attorney licensed by the California Bar since 2002. During this proceeding Arce was in the 8-12 attorney experience range pursuant to Resolution ALJ-281.</p> <p>We approve the requested hourly rate of \$275 for Arce's in 2011 work. We apply the 2.2% Cost of Living Adjustment adopted by the Commission in Resolution ALJ-281 to adopt an hourly rate of \$280 for Arce's 2012 work.</p>

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. Brightline Defense Project has made a substantial contribution to Decision 12-08-044.
2. The requested hourly rates for Brightline Defense Project's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$39,380.75.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Brightline Defense Project is awarded \$39,380.75.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay Brightline Defense Project their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning February 23, 2013, the 75th day after the filing of Brightline Defense Project's amended request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1208044	
Proceeding(s):	A1104017	
Author:	ALJ Kimberly H. Kim	
Payer(s):	Pacific gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Di allowance
Brightline Defense Project	10/19/2012 Amended 12/10/2012	\$52,602.50	\$39,380.75	No	Increased hourly rates for 2012 for COLA. Disallowed unreasonable hours for NOI preparation in 2011. Disallowed unnecessary duplication of others parties' work. Disallowed hours claimed for non-substantial contribution.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted

Eddie	Ahn	Attorney	Brightline Defense Project	\$150	2011	\$150
Eddie	Ahn	Attorney	Brightline Defense Project	\$150	2012	\$155
Joshua	Arce	Attorney	Brightline Defense Project	\$275	2011	\$275
Joshua	Arce	Attorney	Brightline Defense Project	\$275	2012	\$280

(END OF APPENDIX)